

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,)
BI-LEVEL PAP, AND)
MECHANICAL VENTILATOR) Master Docket: Misc. No. 21-mc-1230-
PRODUCTS LITIGATION) JFC
)	
This document relates to: Consolidated Third) MDL No. 3014
Amended Class Action Complaint for)
Economic Losses (ECF No. 785))
)	

**STIPULATION AND [PROPOSED] ORDER AMENDING BRIEFING SCHEDULE AND
ORDER PRESERVING KONINKLIJKE PHILIPS N.V.'S JURISDICTIONAL DEFENSE**

This Stipulation and [Proposed] Order is entered into by and between Plaintiffs and Defendants Philips RS North America LLC, Philips North America LLC, Koninklijke Philips N.V. (“KPNV”), Philips Holding USA, Inc., and Philips RS North America Holding Corporation, and Defendants Polymer Technologies, Inc., and Polymer Molded Products LLC.

1. Plaintiffs and KPNV agree to rescind the Stipulation and Order Preserving Defendant KPNV’s Jurisdictional Defense (Docket No. 673; the “Jurisdictional Stipulation”), with the understanding that, consistent with, and pursuant to the terms of, the Jurisdictional Stipulation that has, to this point, been in effect, KPNV did not waive its personal jurisdiction defense by not previously seeking dismissal on personal jurisdiction grounds during the time the Jurisdictional Stipulation was in effect.

2. KPNV shall move to dismiss the Consolidated Third Amended Class Action Complaint for Economic Losses (the “Economic Loss Complaint”) for lack of personal jurisdiction on the deadline for Rule 12 motions, as set forth in Paragraph 3 below.

3. As contemplated by the parties’ agreed Scheduling Order Regarding Amended Master/Class Complaints, Answers, Motions to Dismiss, and Related Briefing (Docket No. 768),

Plaintiffs and all Defendants agree to a 15-day extension for all Defendants to answer or move to dismiss the Economic Loss Complaint. Accordingly, the deadline for Defendants to answer or move to dismiss the Economic Loss Complaint shall be extended from November 21, 2022 to December 6, 2022. The Parties have agreed to meet and confer and submit a joint request to the Court by November 22, 2022 as to reasonable page limits for motion to dismiss briefs, oppositions and replies.

4. Upon the filing of KPNV's motion to dismiss for lack of personal jurisdiction, the Parties shall meet and confer regarding jurisdictional discovery and any objections thereto by KPNV,¹ and a schedule for any opposition(s) and reply(ies). The Parties shall submit a status report concerning such matters to the Court by 12:00 pm ET on December 12, 2022, in advance of the December case management conference herein.

5. This Stipulation and Order moots Plaintiffs' September 20, 2022 motion to rescind the Jurisdictional Stipulation (Docket No. 753).

Dated: November 4, 2022

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Respectfully submitted,

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¹ Plaintiffs' position is that KPNV's personal jurisdiction challenge will necessitate broad and additional discovery. KPNV's position is that after Plaintiffs have seen its motion to dismiss for lack of personal jurisdiction, the Parties should then meet-and-confer on the appropriate scope of jurisdictional discovery, with both Parties reserving their arguments on the scope of jurisdictional discovery until then.

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Plaintiffs' Co-Lead Counsel

DATED: _____

IT IS SO ORDERED.

Joy Flowers Conti
Senior United States District Judge